

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN SENATE JANUARY 26, 2010

AMENDED IN SENATE MAY 21, 2009

SENATE BILL

No. 409

Introduced by Senator Ducheny
(Coauthor: Assembly Member Torres)

February 26, 2009

~~An act to amend Section 13975 of, and to add Chapter 2 (commencing with Section 13985) to Part 4.5 of Division 3 of Title 2 of, An act to add Section 14036.10 to the Government Code, and to amend Section 185020 of, and to add Section 185025 to, the Public Utilities Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 409, as amended, Ducheny. Passenger rail programs: strategic planning.

Existing law creates the Department of Transportation in the Business, Transportation and Housing Agency, with various powers and duties relative to the intercity passenger rail program, among other transportation programs. Existing law creates in state government the High-Speed Rail Authority, with various powers and duties relative to development and implementation of a high-speed passenger train system. The authority has 9 members, 5 appointed by the Governor and 4 appointed by the Legislature. Existing law also creates in state government the California Transportation Commission, with various powers and duties relative to programming of transportation capital projects and assisting the Secretary of Business, Transportation and Housing in formulating state transportation policies.

~~This bill would place the High-Speed Rail Authority within the Business, Transportation and Housing Agency. The bill would require the 5 members of the authority appointed by the Governor to be appointed with the advice and consent of the Senate. The bill would require the authority to annually adopt and submit a funding plan 5-year high-speed rail passenger train program to the California Transportation Commission for approval, identifying the need for investments during the fiscal year and the amount of bond sales necessary to accommodate those investments Governor and Legislature, as specified.~~

~~This bill would require the Business, Transportation and Housing Agency Department of Transportation to prepare a 5-year Strategic Rail Connectivity Plan for the state, the focus of which would be to identify, with a statewide emphasis, opportunities for passenger rail system improvements and linkages. The plan would be required to include desirable linkages and feeder opportunities between high-speed and conventional intercity rail, commuter rail, and rail transit, and to identify the coordination in planning and the capital investments necessary in that regard. The plan would also be required to identify future right-of-way needs of passenger rail lines in connection with state and local highway system improvements in order to accommodate future rail system improvements. The plan would be developed in consultation with the High-Speed Rail Authority, transportation planning agencies, and the agencies and entities responsible for the various rail and highway systems. The A draft of the plan would initially be submitted to presented on an informational basis at a meeting of the California Transportation Commission for approval on September 1, 2011, and every 5 years thereafter. Upon approval of the plan, the commission, for each transportation project subject to commission approval and implicated by the plan, would be required to make a determination that the project is consistent with the plan. The bill would also provide that the commission, for good cause, may approve a project that is not consistent with the plan, subject to a waiver granted by the Secretary of Business, Transportation and Housing, followed by a public comment period. Upon considering the public comments, the department would make another informational presentation to the commission prior to finalizing the plan and submitting it to the Federal Railroad Administration.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 13975 of the Government Code is~~
2 ~~amended to read:~~

3 ~~13975. The Business and Transportation Agency in state~~
4 ~~government is hereby renamed the Business, Transportation and~~
5 ~~Housing Agency. The agency consists of the State Department of~~
6 ~~Alcoholic Beverage Control, the Department of the California~~
7 ~~Highway Patrol, the Department of Corporations, the Department~~
8 ~~of Housing and Community Development, the Department of~~
9 ~~Motor Vehicles, the Department of Real Estate, the Department~~
10 ~~of Transportation, the High-Speed Rail Authority, the Department~~
11 ~~of Financial Institutions, the Department of Managed Health Care,~~
12 ~~and the Board of Pilot Commissioners for the Bays of San~~
13 ~~Francisco, San Pablo, and Suisun; and the California Housing~~
14 ~~Finance Agency is also located within the Business, Transportation~~
15 ~~and Housing Agency, as specified in Division 31 (commencing~~
16 ~~with Section 50000) of the Health and Safety Code.~~

17 ~~SEC. 2. Chapter 2 (commencing with Section 13985) is added~~
18 ~~to Part 4.5 of Division 3 of Title 2 of the Government Code, to~~
19 ~~read:~~

20
21 ~~CHAPTER 2. STRATEGIC RAIL CONNECTIVITY PLAN~~
22

23 ~~13985. (a) The agency shall be responsible for preparation of~~
24 ~~a five-year Strategic Rail Connectivity Plan for the state. The focus~~
25 ~~of the strategic plan shall be to identify, with a statewide emphasis,~~
26 ~~those opportunities for passenger rail system improvements and~~
27 ~~linkages that otherwise are likely to be missed, or assigned a~~
28 ~~relative lower priority, by implementing agencies because of the~~
29 ~~natural focus of those agencies on the specific rail systems under~~
30 ~~their respective jurisdictions. In that regard, the strategic plan shall~~
31 ~~include desirable linkages and feeder opportunities between various~~
32 ~~passenger rail services, including high-speed and conventional~~
33 ~~intercity rail, commuter rail, and rail transit, where the various~~
34 ~~services are the responsibility of different implementing and~~
35 ~~operating agencies. The strategic plan shall identify the~~
36 ~~coordination in planning and capital investments necessary to~~
37 ~~maximize the opportunities for each of those services in providing~~
38 ~~a cohesive, connected, and easy-to-use system for Californians~~

1 consisting of all of those services, rather than a cumbersome set
2 of unlinked individual rail services. The strategic plan shall also
3 identify future right-of-way needs of passenger rail lines in
4 connection with state and local highway system improvements in
5 order to accommodate future rail system improvements as those
6 highway improvements proceed to implementation, with the
7 objective of avoiding lost opportunities by failure to reserve
8 right-of-way capacity for future rail improvements. The strategic
9 plan may also include other matters that offer similar opportunities
10 for statewide coordination, including the efficient movement of
11 goods.

12 (b) The strategic plan shall be developed in consultation with
13 transportation planning agencies and agencies and entities
14 responsible for the various rail and highway systems. The strategic
15 plan shall be submitted to the California Transportation
16 Commission for approval on September 1, 2011, and every five
17 years thereafter on September 1. Amendments to an approved
18 strategic plan may be developed and presented to the commission
19 for approval in the same manner during each five-year period.

20 (c) Upon approval of the strategic plan, the commission, for
21 each transportation project subject to commission approval and
22 implicated by the strategic plan, shall make a determination that
23 the project is consistent with the strategic plan. The commission
24 may approve a project that is not consistent with the strategic plan
25 for good cause, subject to a waiver granted by the secretary.

26 *SECTION 1. Section 14036.10 is added to the Government*
27 *Code, to read:*

28 *14036.10. (a) The department shall be responsible for*
29 *preparation of a five-year Strategic Rail Connectivity Plan for the*
30 *state. The focus of the strategic plan shall be to identify, with a*
31 *statewide emphasis, those opportunities for passenger rail system*
32 *improvements and linkages that otherwise are likely to be missed,*
33 *or assigned a relative lower priority, by implementing agencies*
34 *because of the natural focus of those agencies on the specific rail*
35 *systems under their respective jurisdictions. In that regard, the*
36 *strategic plan shall include desirable linkages and feeder*
37 *opportunities between various passenger rail services, including*
38 *high-speed and conventional intercity rail, commuter rail, and rail*
39 *transit, where the various services are the responsibility of different*
40 *implementing and operating agencies. The strategic plan shall*

1 *identify the coordination in planning and capital investments*
2 *necessary to maximize the opportunities for each of those services*
3 *in providing a cohesive, connected, and easy-to-use system for*
4 *Californians consisting of all of those services, rather than a*
5 *cumbersome set of unlinked individual rail services. The strategic*
6 *plan shall also identify future right-of-way needs of passenger rail*
7 *lines in connection with state and local highway system*
8 *improvements in order to accommodate future rail system*
9 *improvements as those highway improvements proceed to*
10 *implementation, with the objective of avoiding lost opportunities*
11 *by failure to reserve right-of-way capacity for future rail*
12 *improvements. The strategic plan may also include other matters*
13 *that offer similar opportunities for statewide coordination,*
14 *including the efficient movement of goods.*

15 *(b) The strategic plan shall be developed in consultation with*
16 *the High-Speed Rail Authority, transportation planning agencies,*
17 *and agencies and entities responsible for the various rail and*
18 *highway systems.*

19 *(c) A draft of the strategic plan shall be presented by the*
20 *department on an informational basis at a meeting of the California*
21 *Transportation Commission for purposes of receiving public*
22 *comment. Within 45 days after the meeting, the department shall*
23 *receive any comments and proposed changes for the draft strategic*
24 *plan.*

25 *(d) Following the close of the 45-day comment period, the*
26 *department shall review all written comments, including those of*
27 *the High-Speed Rail Authority, and shall prepare a summary of*
28 *any objections and recommendations made in those comments and*
29 *an explanation of how the draft strategic plan is proposed to be*
30 *changed to accommodate the objections or recommendations, or*
31 *the reason or reasons for proposing no change.*

32 *(e) The department's recommendations and summary described*
33 *in subdivision (d) shall be made publicly available at least 15 days*
34 *prior to a subsequent regular meeting of the commission. At that*
35 *subsequent public meeting, after considering all comments and*
36 *recompiling the information pursuant to subdivision (c), the*
37 *department shall present the final strategic plan on an*
38 *informational basis prior to its submittal to the Federal Railroad*
39 *Administration.*

1 ~~SEC. 3.~~

2 SEC. 2. Section 185020 of the Public Utilities Code is amended
3 to read:

4 185020. (a) There is in ~~the Business, Transportation and~~
5 ~~Housing Agency state government~~ the High-Speed Rail Authority.

6 (b) (1) The authority is composed of nine members as follows:

7 (A) Five members appointed by the Governor with the advice
8 and consent of the Senate.

9 (B) Two members appointed by the Senate Committee on Rules.

10 (C) Two members appointed by the Speaker of the Assembly.

11 (2) For the purposes of making appointments to the authority,
12 the Governor, the Senate Committee on Rules, and the Speaker of
13 the Assembly shall take into consideration geographical diversity
14 to ensure that all regions of the state are adequately represented.

15 (c) Except as provided in subdivision (d), and until their
16 successors are appointed, members of the authority shall hold
17 office for terms of four years. A vacancy shall be filled by the
18 appointing power making the original appointment, by appointing
19 a member to serve the remainder of the term.

20 (d) (1) On and after January 1, 2001, the terms of all persons
21 who are then members of the authority shall expire, but those
22 members may continue to serve until they are reappointed or until
23 their successors are appointed. In order to provide for evenly
24 staggered terms, persons appointed or reappointed to the authority
25 after January 1, 2001, shall be appointed to initial terms to expire
26 as follows:

27 (A) Of the five persons appointed by the Governor, one shall
28 be appointed to a term which expires on December 31, 2002, one
29 shall be appointed to a term which expires on December 31, 2003,
30 one shall be appointed to a term which expires on December 31,
31 2004, and two shall be appointed to terms which expires on
32 December 31, 2005.

33 (B) Of the two persons appointed by the Senate Committee on
34 Rules, one shall be appointed to a term which expires on December
35 31, 2002, and one shall be appointed to a term which expires on
36 December 31, 2004.

37 (C) Of the two persons appointed by the Speaker of the
38 Assembly, one shall be appointed to a term which expires on
39 December 31, 2003, and one shall be appointed to a term which
40 expires on December 31, 2005.

(2) Following expiration of each of the initial terms provided for in this subdivision, the term shall expire every four years thereafter on December 31.

(e) Members of the authority are subject to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

(f) From among its members, the authority shall elect a chairperson, who shall preside at all meetings of the authority, and a vice chairperson to preside in the absence of the chairperson. The chairperson shall serve a term of one year.

(g) Five members of the authority constitute a quorum for taking any action by the authority.

~~SEC. 4.~~

SEC. 3. Section 185025 is added to the Public Utilities Code, to read:

~~185025. The authority shall submit an annual funding plan to the California Transportation Commission for approval. Among other things, the funding plan shall identify the need for investments during the fiscal year to which it applies, and the amount of bond sales necessary to accommodate those investments.~~

185025. (a) The authority shall adopt and submit to the Governor and the Legislature, not later than October 1 of each year, a high-speed rail passenger train program. The program shall cover a period of five fiscal years, beginning July 1 of the year following the year it is adopted, and shall be a statement of intent by the authority to request funding in the annual Budget Act for the following five years.

(b) The high-speed rail passenger train program shall include a listing of all capital improvement projects that are expected to require appropriation in the annual Budget Act, including state, federal, local, and private funds, during the following five fiscal years.

(c) For each segment, the high-speed rail passenger train program shall specify the expenditure amount and the expenditure year for each of the following project components:

(1) Completion of all permits and environmental studies.

(2) Preparation of plans, specifications, and estimates.

(3) Acquisition of rights-of-way, including, but not limited to, support activities.

(4) Construction and construction management and engineering, including surveys and inspection.

1 (5) *Any additional components the authority deems to be*
2 *appropriate.*

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